

A Field Guide
to
USAID Environmental
Compliance Procedures

Based on the
USAID *Environmental Documentation Manual*
for
PL480 Title II Food for Development Programs

March 5, 1998

By
Gaye Burpee, Catholic Relief Services,
Paige Harrigan, Food Aid Management &
Tom Remington, Catholic Relief Services

Table of Contents

	<u>Page</u>
Introduction	3
Contacts	4
History	5
Regulation 216, the legal document	5
Reg. 216 and Title II programs	5
Beyond compliance	6
Who must comply with Reg. 216?	6
What are the deadlines?	7
Overview of Reg. 216: definitions and compliance	7
Initial environmental examinations and deferrals	9
Environmental assessments	9
Step-by-step compliance	11
Monitoring and mitigation plans	17
Reg. 216 revisited	19
Final comments	21
Appendix I: Glossary of terms	29

Introduction

This *Field Guide* is a companion to the U.S. Agency for International Development's *Environmental Documentation Manual (EDM)*. The *EDM* was written to help Title II food aid development programs meet USAID environmental regulations, prepare required paperwork and promote development of environmentally sound programs.

The *EDM* contains detailed instructions for a compliance process that may seem daunting at first glance. By using this *Field Guide* as a summary, dividing activities into manageable steps, seeking occasional advice from experts, and by relying on common sense and good judgement, we think that you will find the environmental review process easier than expected. Always refer back to the *EDM* for details, whys and wherefores.

The *Field Guide* was written by soil scientist Gaye Burpee, agronomist Tom Remington (Catholic Relief Services) and nutritionist Paige Harrigan with Food Aid Management (FAM). The *EDM* was written by environmental planner Charlotte Bingham (USAID), natural resource specialist Wes Fisher (Tellus Institute) and entomologist Walter Knausenberger (USAID) with assistance from the FAM Environmental Working Group. Bingham and Knausenberger are Environmental Advisors based in Nairobi, Kenya and Washington, DC, respectively.

We hope this *Field Guide* serves as a general introduction and quick reference to USAID environmental regulations and procedures. Our intent is to provide you with an aerial snapshot of the more detailed terrain below. We have purposely kept the *Field Guide* short and simple for portability and ease of translation. It will be made available in French and Spanish and will be updated periodically, so if you let us know what you like and don't like about the guide, we will use your suggestions to improve the next version.

Contacts

Gaye Burpee
Agriculture/Environment Program Quality Support
Catholic Relief Services
209 West Fayette Street
Baltimore, MD 21202-3443
Tel.: (410) 625-2220, ext. 3451
FAX: (410) 234-3189
Email: gburpee@catholicrelief.org

Paige Harrigan
Food Aid Management
300 I Street, NE, Suite 212
Washington, DC 20002
Tel.: (202) 544-6972
FAX: (202) 544-7065
Email: pharrigan@foodaid.org
Internet: www.foodaid.org

Walter Knausenberger
USAID AFR/SD/PSGE
Bureau for Africa, Office of Sust. Dvpmt.
Washington, DC 20523-0089
Tel: (703) 235-3826
FAX: (703) 235-3805
Email: wknausenberger@usaid.gov
Internet: www.info.usaid.gov

Paul des Rosiers, Env'l Officer
USAID G/ENV/ENG & BEO/BHR
Ronald Reagan Bldg., Rm. 3.8-31
Washington, DC 20523-3801
Tel: (202) 712-1873
FAX: (202) 216-3227
Email: jdesrosiers@usaid.gov

Tom Remington, PhD
Agriculture & Environment
Catholic Relief Services/East Africa
P.O. Box 49675
Nairobi, Kenya
Tel: 254-2-74-13-55
Email: agric-ea@form-net.com

History

Due to public concern over environmental issues, the United States government passed the world's first comprehensive environmental legislation, the National Environmental Policy Act in 1970. This law set environmental standards for government-funded domestic activities. Though there was pressure to regulate international activities as well, no similar laws covered U.S.-funded international activities.

During this period, USAID made chemical inputs freely available to its agricultural development programs. In 1974 a USAID agricultural project in Pakistan supplied poorly trained field workers with highly concentrated Malathion. In the heat, five workers who were not wearing safety equipment, sprayed each other with the toxic pesticide and died.

One result of this tragedy was a lawsuit brought against USAID by U.S. private voluntary organizations (PVOs) that accelerated the process of establishing environmental regulations for international development programs funded by USAID. In 1975 USAID was given a choice between developing environmental procedures or closing down.

In an out-of-court settlement approved by Judge John J. Sirica, USAID agreed to develop its own environmental procedures. These were refined and later made into law under the Foreign Assistance Act, Section 117. USAID's environmental procedures, or "Regulation 216" (Title 22, Code of Federal Regulations, Part 216, also known as "22 CFR 216") were the result. Today USAID views "environmental impact assessment as not just a legal requirement, but as one of the most essential and basic tools for designing sustainable activities" (Hester, USAID, personal communication).

Regulation 216, the legal document

Though dry reading, Reg. 216 is well written and only 15 pages long. It is also fairly straightforward and easy to understand, considering its origin as a legal document. A copy of the regulation is included with this field guide in Appendix III. (It is also included in the *EDM*.) We recommend reading it, since the original, un-doctored text may clarify questions that arise as you go through the process of compliance.

Reg. 216 and Title II programs

It is clear that relief and development activities can have beneficial effects, adverse effects and/or no effect on the biophysical environment. The objective of Reg. 216 is to ensure that all U.S. government-funded projects overseas undergo an environmental review to avoid or lessen any potential adverse impact on the environment. Most Title II

activities, such as food distribution and training, generally have no impact on the environment. They require only brief documentation for compliance.

However, many activities, such as agriculture and construction of roads or buildings, have potentially harmful consequences. These activities require more extensive documentation outlining potential adverse impacts and measures that will be taken to avoid or lessen those impacts.

Beyond compliance

Most of Reg. 216 is directed at ensuring that no harm is done. Our goal, as relief and development NGOs, is to go beyond a “no harm” mentality. Rather than concentrating simply on compliance with Reg. 216, many of us are focusing on the larger issues of sound environmental planning, with compliance being viewed as a small part of a larger effort.

Since the process of developing environmentally sound procedures is on-going and long-term, it is not something that can be accomplished overnight. For many of us, compliance with Reg. 216 is serving as a catalyst.

Relief and development NGOs are increasing inter-agency discussions to incorporate environmental principles in the design and management of activities, projects and programs. Our view is that conservation and improvement of plant, soil and water resources at sites where we are working in development activities can only enhance sustainability and food security.

Who must comply with Reg. 216?

Beginning in 1998, every Title II project submitting a new Development Activity Proposal (DAP) or a Previously Approved Activity (PAA) will need to submit environmental documentation for each program. [Throughout the *EDM* and the rest of this guide, the most common type of environmental evaluations, or “reviews,” for USAID will be referred to as “Initial Environmental Examinations.”] Reg. 216 documentation must be approved before Title II funds for an activity are disbursed.

However, due to staggered scheduling of Reg. 216 training workshops in 1998, there may not be sufficient time to include complete environmental examinations by the March deadline for all DAPs and PAAs. Drafts of the environmental documentation segment are acceptable in March, but final environmental documentation must be submitted and approved by September 30, 1998.

All ongoing DAPs and PAAs must comply with Reg. 216 and must meet the September, 1998 deadline. We expect only one type of exception to this deadline -- projects in their last year of implementation in 1998/1999 may not be required to prepare environmental documentation. If your program fits this description or you have other extenuating circumstances, check with the local USAID mission, USAID's Washington, D.C. Food for Peace (FFP) office in the Bureau for Humanitarian Response (BHR) or the USAID BHR Bureau Environmental Officer (BEO), also in Washington, to clarify whether an official, formal evaluation is necessary in your case.

What are the deadlines?

There is only one definite deadline for 1998 -- the deadline for final approval is September 30. To ensure meeting that date, we recommend that project environmental documents be submitted to the Mission Environmental Officer (MEO) or the Mission Director by August 1, 1998.

After clearance at the local level, you will then need to submit environmental documents to the BHR FFP director in Washington, D.C., for review and clearance. They are then submitted to the BHR BEO for final approval.

If appropriate, work with your Mission Environmental Officer as early as possible during development of the Initial Environmental Examination, referred to here as the IEE. For this first year of compliance, the BHR BEO has offered to review any draft IEEs prior to the formal submission process. If your organization wants to take advantage of this offer, we recommend that your draft environmental documentation be submitted to the BHR BEO before June 1, 1998. Suggestions for improvement can then be incorporated before submission to the MEO.

Overview of Reg. 216: definitions and compliance

A first step in compliance is to inventory and describe project activities with enough detail so that you, as the Cooperating Sponsor (or the private voluntary organization receiving Title II funds), can determine whether an activity is "exempt" from Reg. 216, whether it is "categorically excluded" or whether it requires an "initial environmental examination" or "environmental assessment." After analysis and decision-making (second step), an IEE is the document most Title II projects will produce as a third step in the compliance process. This is generally the final step.

Each activity (or major component of an activity) in an IEE will need to be classified according to the following list:

KEY TYPES OF REG. 216 ENVIRONMENTAL DECISIONS

Exemption - An activity, or *class of action*, that is not subject to Reg. 216 due to emergency situations. ***Exemptions*** are rare for food aid development activities.

Categorical Exclusion (CE) - An activity, such as training or conducting a survey, that does not affect the environment. Only brief documentation is required, showing how the activity falls within Reg. 216 definitions for ***categorical exclusions***.

Negative Determination (ND) - Activities with potential to affect the biophysical environment, were subject to an IEE & found to have no significant adverse effects. ***Negative Determinations*** are made with & without conditions. Conditions usually reflect situations requiring mitigation and/or monitoring plans to avoid adverse impacts.

Positive Determination (PD) - Activities that have significant adverse effects on the environment. ***Positive Determinations*** are infrequent for Title II PVO programs and normally lead to preparing an ***Environmental Assessment*** (EA), which is usually a significant undertaking.

Deferral - A ***deferral*** consists of documentation, usually within an IEE, explaining why an activity cannot be defined according to Reg. 216 at the current time, typically because insufficient information is available. ***Deferrals*** are generally used for large-scale activities and are not recommended. Requesting a ***deferral*** also means deferring implementation of the specific activity within a DAP.

If an activity appears to have no environmental impact, it qualifies as **categorically excludable**. If an IEE shows there is no significant adverse environmental impact, the activity will receive a **negative determination (ND)**, meaning that you will not have to do a full-blown Environmental Assessment (EA). This is generally a good thing.

However, if you expect a significant adverse impact, a **positive determination (PD)** is made and an EA will be required. You will need to allocate substantial resources (perhaps \$20,000-\$150,000 and 6-18 months) for an EA. Don't shy away from development activities just because they may require an EA. The EA is meant to stimulate sound environmental design of large-scale and/or potentially harmful activities.

To clarify, most DAPs and PAAs **will have a mix of different types of activities**. Usually there will be some CEs and some activities that will undergo an IEE, resulting in NDs or PDs after the IEE is completed. One key point is that in this process, we as cooperating sponsors are only making recommendations for environmental determinations to the MEO and BEO. The final decision is theirs.

If possible, try to avoid the more extensive EA. You can do this by building mitigation measures into activities (imposing conditions on Negative Determinations to prevent any

adverse impact). The IEE is the document where you would include such information and explain why or why not an EA is needed.

Initial Environmental Examinations and Deferrals

There are two basic types of IEE's, "classic" and "umbrella." The **classic IEE** is most common and is used when activities are well-defined, whether the activities are single-site or multiple-site. The following paragraph provides an example.

At the beginning of a 5-year DAP, a particular Cooperating Sponsor knows that there will be clearly defined construction activities, but may not have identified every single road, latrine or irrigation ditch that will be constructed as part of this multiple-site activity. What the sponsor can do is to develop standard procedures for implementation of the activity, and the PVO can submit a single IEE in the "classic" format.

The **classic IEE** would encompass all road rehabilitation activities, outlining, for example, mitigating activities that the PVO would carry out at all sites to ensure minimal adverse environmental effects. For example, the mitigation plan might include drawing up technical guidelines, developing activity-specific monitoring forms and training staff to ensure that water sources will not be diverted, soil will not be eroded, archeological sites will not be damaged and protected species will not be endangered.

In rare cases, when activities are not yet well-defined or are still to be determined at the time of DAP submission, an **umbrella IEE** can be submitted with a DAP. An **umbrella IEE** would generally be used for multiple, small-scale activities that are currently poorly defined, so that mitigation measures cannot be specified. An **umbrella IEE** can also be used when a Cooperating Sponsor is providing subgrants to other agencies (*EDM*, Annex F). One final point, an **umbrella IEE** permits you to proceed with an activity, once the mitigating conditions have been agreed to by all relevant parties.

In the case of activities that are not well-defined, but usually large-scale (construction of a dam, for example), a **deferral** is available, but not recommended by USAID. In the case of a deferral, the deferred activity is delayed, and Title II funds cannot be used for the deferred activity until detailed environmental compliance documentation is provided.

Environmental Assessments

When an IEE includes an activity with potentially significant adverse effects, either because the scale of the activity is large, or by Reg. 216 definition the activity will have potential significant adverse impact, the activity is initially classified as a Positive Determination. This may require an Environmental Assessment. EAs typically require a substantial investment of human and financial resources.

ACTIVITIES THAT MAY REQUIRE AN EA

Road rehabilitation or construction

River basin development

Dam construction

Water management projects

Drainage projects

Irrigation projects

Large-scale agricultural mechanization

Agricultural land leveling and clearing

Introduction of "exotic" (non-native) species

Use of certain pesticides

Potable water, well construction, sewage projects that are not small-scale

Extensive terracing or bunding

Projects affecting undegraded tropical forests, biological diversity, endangered species or critical habitat

Regulation 216 does not establish clear guidelines to distinguish between small-scale and large-scale activities or between activities with significant and non-significant impacts. These will be case-by-case decisions on the part of USAID. Consult the MEO or BEO if you need help classifying specific activities.

To summarize, most PVO activities are relatively small in scale, can be accompanied by mitigation and/or monitoring measures to prevent adverse environmental impacts and would not trigger an EA. However, if an IEE identifies the need for an EA, completing an EA would be the final step in the environmental documentation process. (Refer to Reg. 216, Section 216.3(a)(4) and Section 216.6.)

Step-by-Step Compliance

There are many ways to prepare environmental compliance documentation. The steps below offer one possibility.

Step 1

Make a detailed list of all the activities in your DAP or PAA. Feel free to create your own table formats or to use those given here. The table below lacks a column for geographic distribution/scale which may be useful. Also, you may want to organize activities first by Intermediate Result or by sector/type (health, agriculture) and then by sub-activities within each category. For example, under "Health," you might list nutrition training, immunization and latrine construction.

Table 1. Example table format for preliminary listing of activities

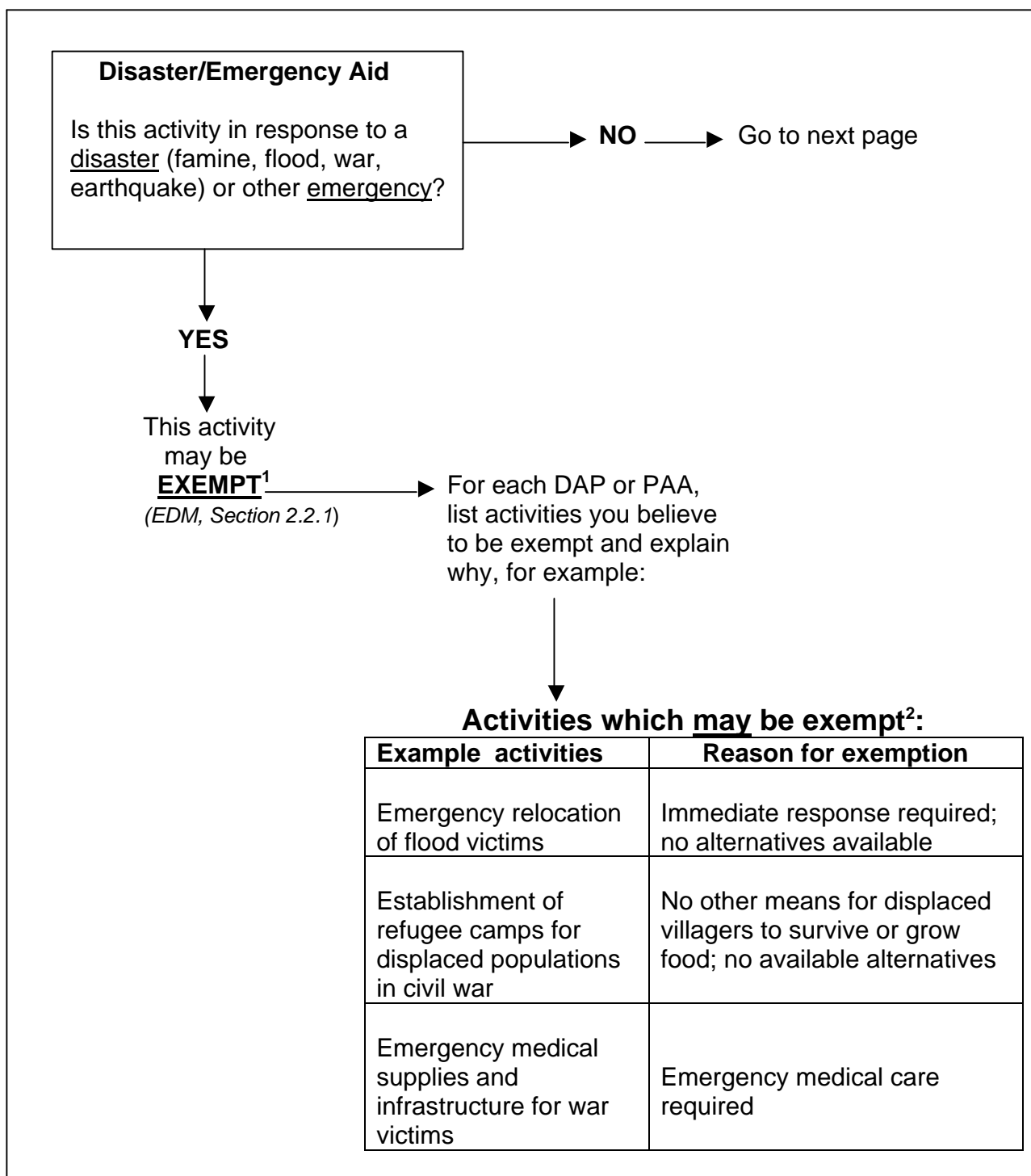
Activity	Description	% Title II resources	Class of action
Name of activity or sub-activity	Detailed description of activity	% of Title II resources allocated to this activity	Reg. 216 category. See <u>Steps 2 and 3</u> .

Step 2

For each activity or sub-activity in the DAP or PAA, determine which activities are exempt from Reg. 216 (Reg.216.2 (b)). If an activity is not exempt, select the "class of action" that seems most appropriate for the particular activity. [*The EDM* uses the phrases class of action and type of Reg. 216 environmental decision interchangeably to refer to the different types of Reg. 216 determinations.]

You can use the flowcharts below as a guide (Figures 1,2 and 3). Refer to *The EDM* to verify initial choices and to check on details not included here.

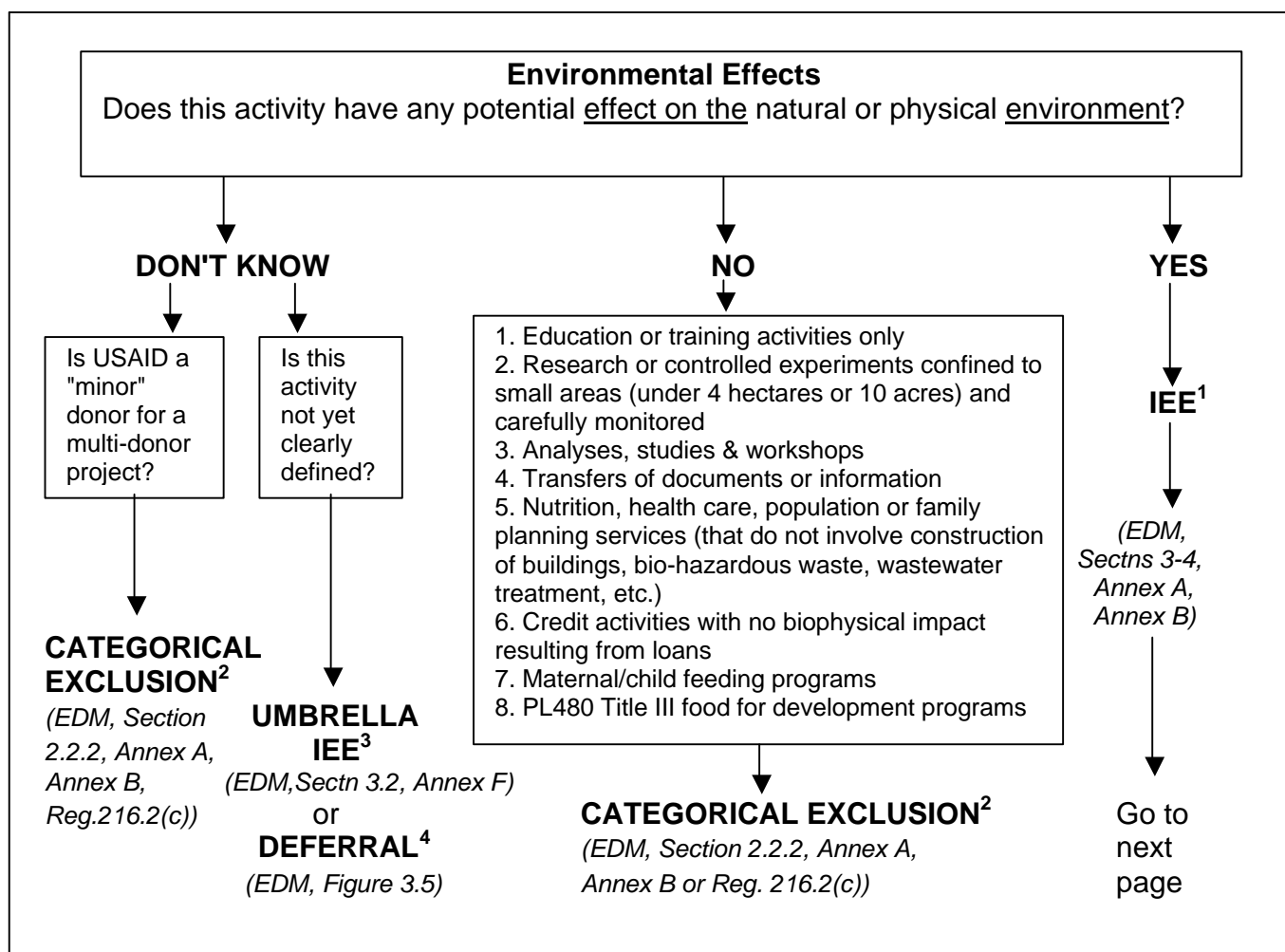
Figure 1. Potential Reg. 216 actions/categories: Part 1



1 EXEMPT: Under Reg. 216, it is unlikely that this activity will require environmental documentation. Exemptions **must be approved** by USAID.

2 Transitional Activity Proposals (TAPs) are generally **exempt only when** funding is provided via the emergency side of BHR/FFP, not BHR/FFP's development side.

Figure 2. Potential Reg. 216 actions/categories: Part 2



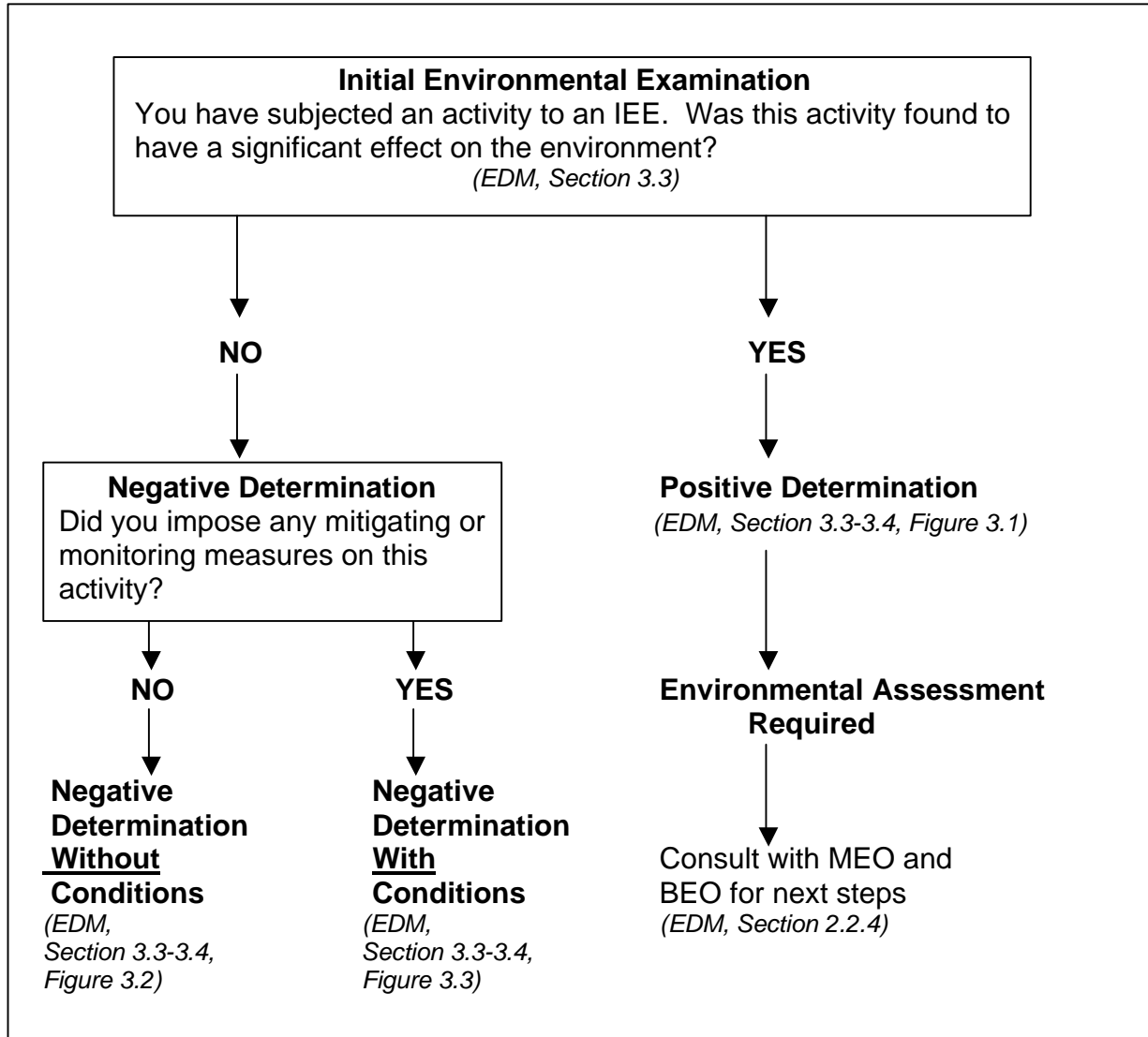
1 INITIAL ENVIRONMENTAL EXAMINATION (IEE) - When an activity has the potential to affect the environment, documentation is required in the form of an IEE to determine whether or not the activity will have significant adverse environmental impact.

2 CATEGORICAL EXCLUSION (CE) - This type of activity generally does not affect the environment, and is therefore excluded from formal Reg. 216 review. However, a brief statement is required, explaining why the activity merits a CE.

3 UMBRELLA IEE - This type of IEE will be used rarely in Title II programs. Generally, it will be used for sub-granting activities when there are multiple, small-scale, poorly defined or as-yet-undetermined activities.

4 DEFERRAL - A deferral is requested for large-scale activities when there is insufficient information to clearly describe the activities in the environmental documentation, at the time of DAP submission.

Figure 3. Potential Reg. 216 actions/categories: Part 3



Step 3

Assign the Reg. 216 category, or "determination," that you think is most appropriate to each activity in the **Class of Action** column in the **Preliminary Activity List** you produced in Step 1 of the Step-by-Step Compliance. Table 2 shows a completed table. Again, you may find a location/scale column useful.

Table 2. Preliminary activity list

Activity	Description	% Title II resources	Class of action
Farmer Training	Objective: develop practical skills and promote conservation of degraded hillslopes in deforested watersheds. Training of hillside farmers in 4-day workshops, 2-3 hr. monthly meetings, 1-day field days in community organization, planting & maintenance of live barriers, passive terrace formation, erosion monitoring & soil evaluation. Target: 300 communities, 6,000 farmers, north coast of Haiti.	22%	CE
Live Barrier Plantings	Contour plantings of tree-vetiver hedges within & between small plots typical of N. Haiti. Plantings promoted for soil conservation and replacement of tree populations on degraded coastal hillslopes. Tree species will be selected from indigenous varieties to provide fuelwood, fodder, fruit, soil nitrogen. Target: 1500 farmers, 750 hectares.	15%	IEE - ND With Cond'ns
Infrastructure Support	Provide material for construction of family latrines in 300 coastal communities to prevent disease and contamination of coastal waters. Target: 15,000 families.	15%	IEE - ND With Cond'ns
Emergency Food Distribution	Distribution of staples to 800 rural communities, 24,000 families in north central region, once per month until embargo lifted.	46%	Exempt
Water Conservation	Construct on-farm, contour infiltration ditches with grassed bunds on upslope side of ditch. (Area or country norms will be followed.) Target: 700 farmers, 300 ha.	2%	IEE - ND

Step 4

Once an initial classification and inventory of activities is completed, this information can be organized by Class of Action and placed in a table for submission to USAID. The process of organizing activities into tables makes later preparation of the written documentation much easier. Table 3 provides an example. [Note: You will not find details in Reg. 216 or the *EDM* on the types of activities that will qualify for NDs. See Annex B, *EDM* for case study examples.]

Table 3. Summary of Environmental Decisions

Expected Determination	Activity	Location/ Distribution	Projects & Sites	Scale & Quantity	% Title II	Reg. 216 Citation
Exempt	Emergency food distribution	North central Haiti	1 food distribution per month per family in 800 rural communities.	Ration/mo: 20 kg rice, 20kg beans. 24,000 families.	41%	216.2(b)(1)(i)
Categorical Exclusion	Farmer training in soil & water conservation	North coast, Haiti	Training of hillside farmers in 4-day workshops, 2-3 hour monthly meetings.	300 communities, 6,000 farmers.	19%	216.2(c)(2)(i)
Negative Determination	Water conservation	North coast, Haiti	Construction of on-farm infiltration ditches with grassed bunds on upslope side of ditch.	400 ha, 700 farmers.	10%	216.3(a)(2)(iii)
Negative Determination with Conditions	Live barrier plantings	N. Haiti, degraded coastal hillslopes	Contour tree-vetiver hedges w/in & between small plots. (Conditions: local, multi-use tree species planted on degraded slopes w/ no alternative land use possibilities.	750 ha, 1500 farmers.	15%	216.3(a)(2)(iii)
Negative Determination with Conditions	Infrastructure support	Coastal communities	Construction of family latrines in coastal community to prevent contamination of coastal waters. (Conditions: Follow procedures outlined in Haiti MOH guidelines for Water & Sanitation/Infrastructure support. M&E plan to ensure compliance.)	300 communities, 15,000 families.	15%	216.3(a)(2)(iii)

Step 5

If you have classified **all** activities as **Categorical Exclusions**, use the facesheet in Annex A.1 of the *EDM*, and provide justification for requesting a Categorical Exclusion, using the form in Annex A.2. Submit these documents with the DAP or PAA.

If your program contains activities which include both Categorical Exclusions and other determinations, use the facesheet in Annex A.1 of the *EDM* and complete the environmental analysis using the guidance in Section 4 of the *EDM*.

Then use this analysis for the IEE, complete an IEE facesheet and submit with the DAP or PAA. Suggested formats for IEEs are presented in Annexes A.3 and A.4, *EDM*. Useful examples of completed IEEs can also be found in Annex B, *EDM*.

Mitigation and monitoring plans

Many Title II development activities could potentially have an effect upon the environment, especially if **mitigation measures** are not incorporated into program design. Mitigation measures are those that ease or lessen an adverse impact. Within the context of an IEE and sound environmental programming, there are many types of mitigation (Section 4, *EDM*.)

Mitigation **can** be used to anticipate and avoid environmental harm. It can also minimize, rectify, reduce or eliminate adverse impacts, or compensate for unavoidable impacts. In almost all cases, it is better to avoid adverse environmental impacts from the start, rather than to correct for the adverse impacts of an activity after the fact.

In an IEE, if you expect to categorize an activity as a Negative Determination with conditions, you need to incorporate an appropriate mitigation strategy outlining conditions in the program design. That strategy should be outlined in the text of the IEE. A table illustrating a mitigation strategy by activity phase is useful documentation to submit with your IEE. Table 4 below provides a possible format. (See also Table 4.1 in the *EDM*.)

Table 4. Impact/Mitigation Summary Table

Phase in Life of Activity	Specific Mitigation Plan
Planning and Design	
Construction	
Operation	
Phase Out/Termination*	

*During the termination phase of an activity, it is especially important to account for unintended impacts that were not foreseen during design and implementation. For example, increased deforestation may result from road construction through previously inaccessible forest, or lack of future road maintenance could result in damaging runoff or water flow patterns.

In each year of an activity, the mitigation strategy for the current year needs to be updated in your annual PAA submission.

Whether or not you have incorporated mitigation measures into your program design, if there is any potential for adverse impact, an environmental **monitoring** plan should be completed and summarized in the IEE. The monitoring plan will be specific to your activity. The need for environmental monitoring is generally based on the severity of the expected environmental impacts.

Environmental monitoring plans also differ depending on the types of environmental factors that need to be monitored. The monitoring plan should state clearly ***how*** adverse effects or impacts on the environment will be tracked. For efficiency, you may want to ensure that the monitoring data you are collecting for the PAA Results Reporting requirement coincides or overlaps with the monitoring plan you develop for the IEE.

Monitoring environmental impacts may be new to some Title II programs. We recommend that you get expert help when designing mitigation and monitoring plans. This PVO Guide is not detailed enough to be consulted when designing specific monitoring plans, and other sources should be used. A large body of literature and experience exists. See the Resource List provided in Annex I of the *EDM*. You may find that other PVOs are often suppliers of the most relevant and applicable monitoring tools.

Reg. 216 Revisited

To assist you as you read Reg. 216, we have summarized below the ten topics covered in the regulation:

216.1 Introduction

The purpose of Reg. 216 is to:

- Ensure that environmental consequences are considered, identified and that safeguards are in place
- Strengthen capacity to carry out environmental review
- Identify environmental problems that constrain development and carry out activities that restore the natural resource base.

This implies that an environmental review looks at both the beneficial and the adverse environmental impacts of the program, project or activity. Questions that should be addressed in an environmental review include:

1. What are the critical environmental problems facing the country? This could include a discussion of the following:

- deforestation & land clearing
- land degradation - reduction in soil fertility
- accelerated soil erosion
- genetic erosion
- insecure land tenure
- land fragmentation
- overgrazing
- demand for fuelwood

2. What are the causes of these environmental problems?

- population pressure
- poverty
- government policies
- changes in farming practices

3. What activities is the Cooperating Sponsor proposing to carry out?

4. What is the intended impact of these activities on the identified problems or causes of the problems listed above?

5. What are the unintended, but perhaps unavoidable, environmental impacts of these activities?

Thus, an environmental review should identify and discuss major environmental problems and their perceived causes; how the Cooperating Sponsor's activities will

affect these problems and causes; and, in turn, what the environmental problems associated with these activities are.

216.2 Applicability of Procedures

This section covers Exemptions, Categorical Exclusions and Classes of Actions Normally Having a Significant Impact on the Environment (CANSIEs).

There are three categories of exemptions, fifteen categorical exclusions and eleven CANSIEs. Exemptions and Categorical Exclusions are relatively straightforward. CANSIEs, on the other hand, are not straightforward -- they are the focus of the environmental review process. The key word is “normally,” because these classes of actions may have a significant effect on the environment (Positive Determination) or they may not - it depends on the conditions (Negative Determination with Conditions).

216.3 Procedures

This section covers the review process in detail. It covers “Threshold” decisions and “Deferrals.”

216.4 Private Applicants

It is clearly stated that “PVOs” are subject to Reg. 216.

216.5 Endangered Species

This one-paragraph section requires that IEEs “specifically determine whether the project, program or activity will have an effect on an endangered or threatened species, or critical habitat.” The emphasis in this section appears to be on species of high symbolic or cultural value, rather than on species that contribute to biological diversity or system stability, species that cause agro-genetic erosion or species that have hydrologic functions, for example, wetland species.

216.6 Environmental Assessments

For Title II Cooperating Sponsors, an Environmental Assessment (EA) follows a positive determination. It is a “detailed study of the reasonably foreseeable significant effects, both beneficial and adverse, of a proposed action on the environment of a foreign country or countries.” It is likely that an EA is beyond the capacity of any one Cooperating Sponsor Country Program. [For this reason, USAID has recommended a “Programmatic Environmental Assessment (PEA) in Ethiopia for irrigation activities

(including dams, ponds, irrigation, etc.) to cover all the Ethiopia Cooperating Sponsors' irrigation-related activities. This *Field Guide* does not cover PEAs.]

216.7 Environmental Impact Statements

Cooperating Sponsors will not be carrying out EISs.

216.8 Public Hearings

This section refers to the EISs. It is unclear whether the “public” referred to here is the U.S. public or the people of the country in which the activity is proposed.

216.9 Bilateral and Multilateral Studies

This probably refers to the EISs and perhaps the EAs.

216.10 Records and Reports

The USAID environmental review process is open and transparent. Any interested persons can obtain information from USAID on environmental reviews. For example, in preparing an environmental review of a land drainage activity, the Cooperating Sponsor is encouraged to obtain information on past IEEs and EAs of other USAID-funded programs with land drainage activities.

Final Comments

In closing, we hope that after reading this *Field Guide* you will be able to build upon your own skills to do an IEE. Understanding Reg. 216 itself will help you to make more informed decisions.

It is important to note that IEEs are generally divided into only five main sections:

1. background and description of activities
2. baseline country and environmental information
3. environmental aspects of project activities
4. mitigation, monitoring and evaluation procedures
5. summary

However, do not underestimate the time, effort and money that may be required to do a comprehensive IEE. To meet increasing PVO and USAID requirements, it is important that you find the correct balance between program effectiveness, environmental soundness and additional activity costs. This will take practice and experience.

We trust that as you write these sections, you can use the IEE preparation process as an aid to designing environmentally sound programs, rather than simply fulfilling one more paperwork requirement. We also hope you find this *Guide* a helpful introduction and summary of Reg. 216. Feel free to contact us with questions or to suggest improvements.

Appendix I: Glossary of terms

Glossary of Terms

CE - Categorical exclusion. Type of Reg. 216 classification (*determination*) for activities that generally do not affect the environment, such as health, training and education. Only brief environmental documentation is required for CEs, showing how the activity falls within Reg. 216 definitions for categorical exclusions.

Classic IEE - The most common form of environmental documentation submitted to USAID with a DAP or PAA. Classic IEEs are appropriate for single-site or multiple-site activities that are well-defined at the time of submission of the DAP or PAA.

DAP - Development Activity Proposal, a maximum 5-year proposal to USAID/FFP requesting commodities and funds for overseas Title II development projects.

Deferral - A request for a delay in submitting Reg. 216 paperwork. A deferral requires documentation within an IEE, explaining why an activity cannot be defined according to Reg. 216, typically because insufficient information is available at the current time. Deferrals are generally used for large-scale activities and are not recommended. Requesting deferrals also means deferring activity implementation.

Exemption - An activity that is not subject to Reg. 216 due to emergency situations.

Environmental assessment - A detailed study of the significant effects of a proposed development activity which has the potential to cause major negative environmental impact. EAs are often completed following an IEE with positive determinations and are much more comprehensive than IEEs.

FAM - Food Aid Management, an association of 14 U.S. PVOs formed to improve the efficiency and effectiveness of overseas food assistance. FAM promotes the sharing of technical and field information among its members and the development of shared PVO guidelines and operating standards.

IEE - Initial Environmental Examination. The environmental documentation required as part of Reg. 216, to determine whether activities in USAID-funded overseas projects will have significant or insignificant adverse environmental impact.

Mitigation - Taking measures to minimize or avoid adverse impacts on the environment. This would include limiting the scope or intensity of an activity, rehabilitating the affected environment, replacing affected resources with others of the same or better quality, etc. (See Section 4.2, *EDM*.)

NGO - Non-governmental organization.

ND - Negative Determination. Activities that have been subject to an IEE and found to have no significant effects on the environment. Negative Determinations are made with and without conditions. Conditions usually reflect situations that require a mitigation and/or a monitoring plan to avoid adverse impacts.

PD - Positive Determination. Activities with significant adverse effects on the environment. PDs do not happen often and normally lead to preparing an Environmental Assessment (EA), which is a significant undertaking. For example, large-scale dam & road construction projects are apt to receive PDs.

PAA - Previously Approved Activity, an annual request for incremental funding of a previously approved program (or DAP).

PL 480 Title II - Title II provides funding for emergency and development programs carried out in partnership with PVOs, NGOs and the World Food Program (WFP).

PL 480 Title III - Title III provides government-to-government commodity donations to developing countries, tied to policy reforms.

PVO - Private voluntary organization.

Reg. 216 - A U.S. legal document (Title 22, Code of Federal Regulations, Part 216) which outlines environmental procedures established by USAID to identify and avoid or lessen the adverse environmental consequences of overseas development activities funded by USAID.

Subgrant - When a PVO manages a grants program by giving grants/support to other organizations (usually local NGOs) to implement an activity. Cooperating sponsors are still required to comply with Reg. 216 even if the activity is managed by a sub-grantee.

Threshold decision - A decision made by USAID, based on the information presented in an IEE, about whether a proposed activity has a potentially significant or insignificant adverse environmental impact (Positive Determination).

Umbrella IEE - An umbrella IEE is used for multiple, small-scale activities that are not fully defined at the time of DAP submission, or for programs with subgrants where mitigation or monitoring measures are unknown or cannot be specified at the time of DAP submission.